

REMARKS

At the time of the Final Office Action dated September 20, 2006, claims 1-17 were pending and rejected in this application.

Claims 1-3 and 10-11 have been amended, and care has been exercised to avoid the introduction of new matter. Specifically independent claims 1 and 10 have been amended to clarify that the structural information of structural elements of a sequential file of documents, in which a single document is located, is obtained, and this amendment to claims 1 and 10 finds adequate descriptive support throughout the originally-filed disclosure, for example, on page 5, line 19 through page 6, line 8. Applicants submit that the present Amendment does not generate any new matter issue.

CLAIMS 1-17 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON
SORGE ET AL., U.S. PATENT NO. 6,613,098 (HEREINAFTER SORGE), IN VIEW OF MOSLEY,
"MICROSOFT OFFICE 97, PROFESSIONAL EDITION" (HEREINAFTER MOSLEY)

On pages 2-5 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Sorge in view of Mosley to arrive at the claimed invention. This rejection is respectfully traversed.

At the outset, Applicants note that independent claims 1 and 10 have been amended to clarify that the obtained structural information is of structural elements of a sequential file of documents in which a single document is located. This feature is neither taught nor suggested by

the combination of Sorge and Mosley. Instead, the Examiner asserts that Sorge teaches obtaining the structural information of a single document, which is not comparable to the structural elements of a sequential file of documents in which a single document is located. Thus, even if Sorge were modified in view of Mosley, the claimed invention would not result.

Claims 5-9

With regard to these claims, the Examiner asserted on page 4 of the Office Action, the following:

the limitations reflect the methods comprising instructions used for performing the methods as claimed in numbers 1-4, and in further view of the following, are rejected along the same rationale.

Claims 5-9 are directed to "moving a folder and documents contained therein." Claims 1-4, however, are completely silent with regard to a folder. Therefore, the Examiner's comments with regard to claims 1-4 do not establish that the combination of Sorge and Mosley teaches or suggests all of the claimed limitations recited therein.

The Examiner responded to the above argument in the paragraph spanning pages 6 and 6 of the Fourth Office Action by asserting:

In reference to claims 5-9, applicant states the Examiner has committed gross errors in making the assertion that claim 5-9 comprise instructions used for performing the methods as claimed in numbers 1-4 and therefore, were rejected under similar rationale. The only difference between the two sets of claims (as presently claimed) is a single document being moved and a folder being moved. The Examiner would like to point out the Excel 2000 data are organized in a file structure referred to as a workbook. Each workbook may have a plurality of worksheets. A single Excel 2000 file can contain many types of data, including one or more spreadsheets, graphics such as charts, formatting information. The Examiner made the rejection of claims 5-9 under similar rationale because the Sorge reference provides a means of converting a single Excel document or a workbook containing Excel documents. The kind of information present in a single Excel document is similar to the information present in a workbook file structure as taught by Sorge. Therefore, the workbook provides a similar function as a folder because they both contain content information and both relay on content management methods for moving content from one format to another.

At the outset, Applicants note that the Examiner has not properly construed the terms "folder" and "document" given the plain and ordinary meaning attributed to these terms by one having ordinary skill in the art. The worksheets of Excel are not documents. Instead, the workbook of Excel (i.e., the alleged folder) would have been considered by one having ordinary skill in the art as teaching the limitation of "document." Moreover, one having ordinary skill in the art would not have considered the workbook of Excel to be comparable to the claimed "folder."

With regard to claim 6, Applicants note that this claim describes that the folder includes subfolders. However, Applicants are unaware of any teachings that Excel includes subfolders for their tabbed structure.

Therefore, for the reasons stated above, Applicants respectfully solicit withdrawal of the imposed rejection of claims 1-17 under 35 U.S.C. § 103 for obviousness based upon Sorge in view of Mosley.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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